

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAMES PIAZZA and
EVELYN PIAZZA,

Plaintiffs.

v.

BRENDAN YOUNG, DANIEL
CASEY, BRAXTON BECKER,
MICHAEL BONATUCCI, RYAN
BURKE, JERRY COYNE, GARY
DIBILEO, JR., JOSEPH EMS, CASEY
FUNK, EDWARD JAMES
GILMARTIN, III, CRAIG HEIMER,
JONATHAN KANZLER, LARS
KENYON, NICHOLAS KUBERA,
JOSHUA KURCZEWSKI,
JONATHAN MARTINES, ADAM
MENGDEN, JOSHUA MONCKTON,
JONAH NEUMAN, AIDAN O'BRIEN,
DONALD PRIOR, MATTHEW
REINMUND, LUCAS ROCKWELL,
JOSEPH SALA, MICHAEL ANGELO
SCHIAVONE, BOHAN SONG, LUKE
VISSER, PARKER YOCHIM, and ST.
MORITZ SECURITY SERVICES,
INC.

Defendants.

No. 4:19-CV-00180

(Judge Brann)

ORDER

AUGUST 27, 2019

In accordance with the accompanying Memorandum Opinion, **IT IS
HEREBY ORDERED** that:

1. The pending motions to dismiss—ECF Nos. 53, 68, 77, 79, 82, 99, 105, 121, 127, 129, 130, 138, 142, 145, 147, 150, 155, 157, 159, 161, 163, 166, 168, 170, 172, 174, 178, 181, 183, 198—are **GRANTED IN PART** and **DENIED IN PART**, as follows:
 - a. The claims against Brendan Young, Gary DiBileo, Edward James Gilmartin, and Jonathan Martines in Count III of Plaintiffs’ Complaint, ECF No. 1, are **DISMISSED WITHOUT PREJUDICE**.
 - b. All claims in Count V of Plaintiffs’ Complaint are **DISMISSED WITHOUT PREJUDICE**.
 - c. All claims in Count VI that rely upon allegations of a conspiracy to violate Pennsylvania’s law prohibiting the furnishing of alcohol to minors are **DISMISSED WITHOUT PREJUDICE**.
 - d. Count XIII of Plaintiffs’ Complaint is **DISMISSED WITHOUT PREJUDICE**.
 - e. The motions are otherwise **DENIED**.
2. Nicholas Kubera’s Motion to Stay, ECF No. 133, is **DENIED AS MOOT**.
3. The other pending motions to stay—ECF Nos. 67, 96, 176, 188, 212—are **GRANTED IN PART** and **DENIED IN PART** as follows:
 - a. Until the criminal cases against them are complete, Aidan O’Brien, Bohan Song, Braxton Becker, Brendan Young, and Daniel Casey **NEED NOT**:

- i. Answer the Piazzas' Complaint,
 - ii. Respond to any interrogatories,
 - iii. Sit for any deposition, or
 - iv. Otherwise participate in any proceedings that would implicate their Fifth Amendment right against self-incrimination.
 - b. Every ninety days, until the criminal cases against them are complete, Aidan O'Brien, Bohan Song, Braxton Becker, Brendan Young, and Daniel Casey **SHALL FILE** a brief report on the docket explaining the status of their criminal case.
 - c. The motions are otherwise **DENIED**.
4. No later than September 17, 2019, Plaintiffs **MAY AMEND** their Complaint to remedy the deficiencies in the dismissed claims that have been identified in the accompanying Memorandum Opinion. If Plaintiffs do not amend their Complaint by September 17, 2019, Defendants—other than Aidan O'Brien, Bohan Song, Braxton Becker, Brendan Young, and Daniel Casey—**SHALL ANSWER** Plaintiffs' Complaint no later than October 8, 2019.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge